

REMARKS

Claims 1-38 are currently pending in the subject application and are presently under consideration. Claims 1, 14, 17, 23, 24, 31 and 32 have been amended as shown at pages 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 1, 14, 17, 24 and 32

Claims 1, 14, 17, 24 and 32 stand objected to because of the following informalities: Lines 5-7 recites “based upon at least one of the ...PDA, vehicle, and GPS, the inferred current status is based upon at least a probabilistic model” This phrase has grammatical errors as it appears “the inferred current status” is part of the ‘at lease one of’ the features since a comma is used immediately preceding. Moreover, claim 32 line 3 recites “a function of particular caller”. This phrase has grammatical errors which could raise antecedent basis issues.

Claims 1, 14, 17, 24 and 32 have been amended to correct any deficiencies related to this objection. Accordingly, this objection should be withdrawn.

II. Rejection of Claims 23, 31 and 38 Under 35 U.S.C. §101

Claims 23, 31 and 38 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 23, 31 and 38 have been amended to include recitation of a computer and therefore is directed to statutory subject matter. In view of these amendments, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 1, 14, 17, 24 and 32 Under 35 U.S.C §112

Claims 1, 14, 17, 24 and 32 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 14, 17, 24 and 32 have been amended to correct any deficiencies related to this rejection. Therefore, this rejection should be withdrawn.

IV. Rejection of Claims 1-38 Under 35 U.S.C. §102(b)

Claims 1-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tatchell, *et al.* (US 6,160,877). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Tatchell *et al.* does not teach each and every element of applicants' invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to a call processing system that utilizes caller identification information along with call recipient preferences and status to determine an appropriate response, such as a personalized message, forwarding the call to an appropriate device, activating voicemail, or translating a response message into a language appropriate for the caller. In particular, independent claim 1 (and similarly independent claims 14, 17, 24 and 32) recites *generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user, **the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS.***

Tatchell *et al.* does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. The cited art discloses a call processing system that allows a subscriber to use voice commands to implement typical calling features the normally require entry of number codes for activation. The cited reference discloses employment of caller identification information to select an appropriate response message, which may be personalized to the caller. However, Tatchell *et al.* is silent regarding inferring the current status of a caller and also does not teach employing a probabilistic model to perform an inference. Furthermore, contrary to assertions in the Office Action, the cited art does not disclose a calendar application.

The section of cited art, page 19, lines 2-19, merely discloses that based upon identifying a nuisance caller using caller ID, a generic message is played that says “The caller you are trying to reach is not accepting calls at this time.” The section does not discuss a calendar application or employing one to infer the current status of a subscriber. Therefore, Tatchell *et al.* fails to teach or suggest generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model and at least one of the called user’s calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS.

In view of at least the foregoing discussion, applicants’ representative respectfully submits that Tatchell *et al.* fails to teach or suggest all limitations of applicants’ invention as recited in independent claims 1, 14, 17, 24 and 32 (and all claims that respectfully depend there from), and thus fails to anticipate the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP565US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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